



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by Thomson West.*

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

#### CONFLICT OF INTEREST CODES

##### AMENDMENT

STATE AGENCY: Assembly Rules Committee  
Governor's Office of Emergency  
Services

A written comment period has been established commencing on **March 23, 2007**, and closing on **May 7, 2007**. Written comments should be directed to the Fair Political Practices Commission, Attention **Ashley Clarke**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **May 7, 2007**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respec-

tive agency. Requests for copies from the Commission should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## **TITLE 5. BOARD OF EDUCATION**

### **NOTICE OF PROPOSED RULEMAKING AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS REGARDING THE CALIFORNIA HIGH SCHOOL EXIT EXAMINATION (CAHSEE)**

[Notice published March 23, 2007]

**NOTICE IS HEREBY GIVEN** that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### **PUBLIC HEARING**

California Department of Education staff, on behalf of the SBE, will hold a public hearing beginning at **1:00 p.m. on May 7, 2007**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

#### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator  
LEGAL DIVISION  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to [regcomments@cde.ca.gov](mailto:regcomments@cde.ca.gov). Comments must be re-

ceived by the Regulations Coordinator prior to **5:00 p.m. on May 7, 2007**.

#### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

#### **AUTHORITY AND REFERENCE**

Authority: Section 33031, Education Code.

Reference: Sections 37252, 37254, 52052, 52504, 56365, 60810, 60850, 60851, 60852, 60852.4, 60855, 60900 and 602, Education Code; 20 USC 6311; 20 USC 1232g.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

California Code of Regulations, title 5, for the California High School Exit Examination (CAHSEE) serves to guide local educational agencies (LEAs) in the administration of the examination and the reporting of student demographic data to the State. The CDE proposes amendments to the California Code of Regulations, title 5, for the CAHSEE in response to various needs that have arisen over the course of administering the CAHSEE, as well as current law that requires LEAs to report data pertaining to students with disabilities. The primary purposes of the proposed amendments are to:

1. Introduce a fee for LEAs that order excessive test materials.
2. Require LEAs to submit unlisted accommodations and modifications to CDE for review and approval.
3. Require charter schools to annually designate whether they will test as part of their chartering district or county office of education.
4. Clarify number of times students may take the CAHSEE in each grade.
5. Permit grade 11 students to take the CAHSEE in successive administrations.

6. Add demographic data elements collected for each student.
7. Specify data reporting requirements and deadlines for exemption and local waiver.

#### DISCLOSURES REGARDING THE PROPOSED REGULATION

*The SBE has made the following initial determinations:*

Mandate on local agencies or school districts: None

Cost or savings to state agencies: None

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The SBE is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to schools and not to small business practices.

#### CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Jessica Valdez, Education Programs Consultant  
High School Exit Exam Office  
California Department of Education  
1430 N Street, Suite 5408  
Sacramento, CA 95814  
Telephone: 916-319-0354  
E-mail: [jvaldez@cde.ca.gov](mailto:jvaldez@cde.ca.gov)

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Connie Diaz, Regulations Analyst, at 916-319-0860.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr>.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Regulations Coordinator.

#### REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Unruh Civil Rights Act, any individual with a disability, who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Jessica Valdez, High



School Exit Exam Office, 1430 N Street, Suite 5408, Sacramento, CA, 95814; telephone, 916-319-0354; fax, 916-319-0969. It is recommended that assistance be requested at least two weeks prior to the hearing.

## **TITLE 5. BOARD OF EDUCATION**

### **NOTICE OF PROPOSED RULEMAKING AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS REGARDING COMMUNITY-BASED ENGLISH TUTORING (CBET) PROGRAMS**

[Notice published March 23, 2007]

**NOTICE IS HEREBY GIVEN** that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### **PUBLIC HEARING**

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing beginning at **10:00 a.m. on May 8, 2007** at 1430 N Street, Room 4305, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

#### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator  
LEGAL DIVISION  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to [regcomments@cde.ca.gov](mailto:regcomments@cde.ca.gov). Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on May 8, 2007**.

#### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

#### **AUTHORITY AND REFERENCE**

Authority: Sections 315, 315.5, 316, 316.5, 317, Education Code.

Reference: Sections 313, 1302, 11303, 11315, 11510, 33031, 35021.1, and 60810, Education Code.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Proposition 227, an initiative statute approved by the voters at the June 2, 1998, statewide primary election, requires the state to encourage family members and others to provide personal English language tutoring to children coming from backgrounds of limited English proficiency. This requirement was fulfilled under the *California Code of Regulations*, title 5, section 11315, to commit funding for Community-Based English Tutoring (CBET) Programs and the additions *EC* sections 315 and 316.

Senate Bill (SB) 368, English language tutoring, would require each school district, as a condition for receiving funding under the bill for the 2007-08 fiscal year, to develop a plan, to be approved by the school district governing board. This plan will certify that the agency will accomplish certain objectives relating to providing personal English language tutoring to children from backgrounds of limited English proficiency. Appropriations for CBET Programs will henceforth be considered during the annual Budget Act.

SB 368 would require a school district, as a condition for receiving funding under the bill for any fiscal year, to collect certain data for use in revising and updating the plan. SB 368 would also require the governing board of the school district, as a condition for receiving funding under the bill for the 2008-09 fiscal year and each fiscal year thereafter, to review, revise as necessary, and approve the plan. SB 368 would require the

plan to be reviewed, and revised as necessary, not less than once every three years and would require the governing board to consider, during its review, the specified data collected by the school district.

The amendments to the proposed regulations will provide for accountability measures to be made available to the State as requested from districts that receive funding for Community-Based English Tutoring (CBET) Programs. The new section requires a CBET plan to be approved by the governing board of funded districts. The regulations clarify the steps and requirements for the development of the plan and for the collection and analyses of data to revise the plan as necessary.

#### DISCLOSURES REGARDING THE PROPOSED REGULATION

*The SBE has made the following initial determinations:*

Mandate on local agencies or school districts: None

Cost or savings to state agencies: None

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The SBE is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to school districts and not to small business practices.

#### CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more

effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Mark Klinesteker, Education Programs Consultant  
David Almquist, Education Programs Assistant  
Language Policy and Leadership Office  
California Department of Education  
1430 N Street, Room 4309  
Sacramento, CA 95814

M. Klinesteker — Telephone: 916-319-0271

E-mail: [mklinesteker@cde.ca.gov](mailto:mklinesteker@cde.ca.gov)

D. Almquist — Telephone: 916-323-5124

E-mail: [dalmquis@cde.ca.gov](mailto:dalmquis@cde.ca.gov)

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Connie Diaz, Regulations Analyst, at 916-319-0860.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr>.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Regulations Coordinator.

### **REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY**

Pursuant to the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Unruh Civil Rights Act, any individual with a disability, who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Mark Klinesteker, Language Policy and Leadership Office, 1430 N Street, Sacramento, CA, 95814; telephone, 916-319-0271; fax, 916-319-0138. It is recommended that assistance be requested at least two weeks prior to the hearing.

## **TITLE 11. PEACE OFFICER STANDARDS AND TRAINING**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations. This proposal is made pursuant to the authority vested by Penal Code § 13503 — powers of the Commission on POST, and § 13506 — Commission on POST authority to adopt regulations. This proposal is intended to interpret, implement, and make specific Penal Code § 13503(e) — Commission on POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses, §13519.12 — Commission on POST authority to establish training standards involving the responsibilities of first responders to terrorism incidents and training standards for related instruction.

### **Public Comments Due by May 7, 2007**

The Commission requests written comments on the proposed actions. POST must receive the written comments no later than 5:00 p.m. on May 7, 2007. Please send written comments to Hal Snow, Interim Executive Director, at the Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA, 95816-7083, or by fax at 916.227.5271.

A public hearing is not scheduled. Pursuant to Government Code §11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Senate Bill 1350 (McPherson), signed into law and enacted in Penal Code §13519.12, requires POST to:

1. Establish training standards for and develop a course of instruction to address the responsibilities of first responders to terrorism incidents that:
  - Includes criteria for the curriculum content required by Homeland Security Presidential Directive (HSPD) 5 (Managing Domestic Incidents).
  - Covers the required federal and state training needs of peace officers who may be tasked to respond to an emergency incident.
  - Is developed in consultation with the Governor's Office of Emergency Services (OES) and subject matter experts.
2. Use a variety of formats to develop a course of instruction to train trainers and first responders for maximizing the availability and delivery of this training.

POST has developed the 16-hour ICS 300 & 400 Course for Response Personnel (SEMS/NIMS/ICS) and the 24-hour ICS 300 & 400 Train-the-Trainer for Response Personnel (SEMS/NIMS/ICS) instructor courses. Both courses meet or exceed the content requirements identified by the National Information Center. The POST Commission approved both courses in October 2006. The Department of Homeland Security, Office of Grants and Training, also accepted the course for federal review and approval. The two proposed courses meet or exceed all federal training requirements and are consistent with requirements of Government Code 8607.

The proposed changes to Regulations 1070, 1081, and 1082 will:

- Provide standardized delivery of first responder to domestic incidents
- Require instructors to complete the POST-certified 24-hour trainer course prior to the delivery or presentation of the 16-hour basic course
- Specify the curriculum content for both courses

As indicated in HSPD-5, all federal, state, local, and tribal governments must comply with the implementation and training requirements prior to October 1, 2007. HSPD-5 requires all agencies to use the National Incident Management System (NIMS) and Government Code 8607 requires the use of the Standardized Emergency Management System (SEMS) when responding to incidents in California.

Federal requirements require that all government employees who may be tasked to respond to an incident re-



ceive specified levels of training. The two proposed courses meet or exceed federal and state training requirements currently in effect, including those for ICS-300, ICS-400, and IS-800.

### Adoption of Proposed Regulations

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, it will make available the text of any modified language, clearly indicated, at least 15 days before adoption to all persons whose comments POST received during the public comment period and to all persons who request notification from POST of the availability of such changes. Please address requests for the modified text to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text becomes available.

### Text of Proposal, Rulemaking File, and Internet Access

The following information regarding the proposed regulatory action is available on the POST website at <http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp>:

- POST bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Individuals without Internet access may request a copy of the above documents by calling 916.227.4847, or by submitting a written request to the contact person listed below. Please refer to POST Bulletin 2007-08. The rulemaking file, which contains the above-mentioned documents and all information upon which POST is basing this proposal, will be available for inspection during the Commission's normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. To request a copy, contact POST at the above telephone number, write to the address under Contact Persons at the end of this notice, or view the document on the POST Internet website at the address cited above.

### Estimate of Economic Impact

- Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- Non-Discretionary Costs/Savings to Local Agencies: None

- Local Mandate: None
- Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None
- Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.
- Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect of Proposal on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would not affect housing costs.

### Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

### Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

### Contact Persons

Please direct inquiries or comments about this proposed regulatory action to Patricia Cassidy, at Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA, 95816-7083, by telephone at 916.227.4847, by FAX at 916.227.5271, or by email at [Patricia.Cassidy@post.ca.gov](mailto:Patricia.Cassidy@post.ca.gov). The back-up contact person is Donald Lane; he is available by telephone at 916.227.3916, or by email at [Donald.Lane@post.ca.gov](mailto:Donald.Lane@post.ca.gov).

**TITLE 13. CALIFORNIA HIGHWAY  
PATROL**

**NOTICE OF PROPOSED  
REGULATORY ACTION**

TITLE 13, CALIFORNIA CODE OF  
REGULATIONS, DIVISION 2  
AMEND CHAPTER 4, ARTICLE 2, SECTIONS  
932 AND 934.1

**COMPRESSED NATURAL GAS FUEL  
SYSTEMS (CHP-R-2006-13)**

The California Highway Patrol (CHP) proposes to amend regulations in Title 13, California Code of Regulations (13 CCR), relating to compressed natural gas vehicular fuel systems.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Sections 2402 and 2402.6 of the California Vehicle Code (VC) authorize the CHP to adopt regulations establishing standards and specifications for fuel containers and fuel systems on vehicles using compressed natural gas to ensure the safety of the equipment and vehicles and of persons and property using the highways.

Requirements for compressed and liquefied gas fuel systems are described in 13 CCR, Chapter 4, Article 2. Adopted by reference in 13 CCR are specified standards for compressed and liquefied gas fuel systems. The National Fire Protection Association (NFPA) has established standards for liquefied natural gas (LNG) fuel systems in Standard #57 (NFPA 57), "Liquefied Natural Gas Vehicular Fuel Systems Code," and for compressed natural gas (CNG) fuel systems in Standard #52 (NFPA 52), "Compressed Natural Gas Vehicular Fuel Systems Code," both of which are currently adopted by reference in 13 CCR. In 2006, NFPA 52 was revised and expanded to include standards for vehicular fuel systems for a variety of alternative fuels including updated LNG standards previously contained in NFPA 57, as well as updated standards for CNG fuel systems.

The CHP proposes to amend Sections 932 and 934.1 of that article by adopting, by reference, the revised title of National Fire Protection Association (NFPA), Standard 52, "Vehicular Fuel Systems Code." NFPA is currently the recognized leader in standards development for compressed and liquefied gas vehicular fuel containers and fuel system installations. Requirements will continue to reference the edition in effect at the time of installation.

By proposing this regulatory action, the CHP's purpose is to fully harmonize California regulation with the latest edition of NFPA 52, and to extend the benefits of the latest standards to industry and the motoring public.

**PUBLIC COMMENTS**

Any interested person may submit written comments on this proposed action via facsimile at (916) 446-4579, by email to [cvsregs@chp.ca.gov](mailto:cvsregs@chp.ca.gov), or by writing to:

CHP, Enforcement Services Division  
Commercial Vehicle Section  
ATTN: Mr. Cris Morgan  
P.O. Box 942898  
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 PM, May 7, 2007.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section, no later than 15 days prior to the close of the written comment period.

**AVAILABILITY OF INFORMATION**

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 446-4579 or by calling the CHP, Commercial Vehicle Section at (916) 445-1865. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, Commercial Vehicle Section, 444 North Third Street, Sacramento. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our website at [www.chp.ca.gov/regulations](http://www.chp.ca.gov/regulations).

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our website.

**CONTACT PERSON**

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to

Mr. Cris Morgan or Mr. Gary Ritz, CHP, Commercial Vehicle Section at (916) 445-1865. Inquiries regarding the substance of the proposed regulations should be directed to Mr. Cris Morgan.

#### ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

#### FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary costs or savings to any local agency, no cost to any local agency or school district for which Government Code Section 17561 requires reimbursement, no cost or savings to any state agency, or cost or savings in federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

#### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### EFFECT ON SMALL BUSINESSES

The CHP has determined that the proposed regulatory action will not affect small businesses. This proposed regulatory action makes only technical, non-substantive or clarifying changes to current law and regulations.

#### ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### AUTHORITY

This regulatory action is being taken pursuant to Vehicle Code Sections 2402 and 26103.

#### REFERENCE

This action implements, interprets, or makes specific Vehicle Code Sections 2402 and 2402.6.

### TITLE 13. CALIFORNIA HIGHWAY PATROL

#### NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2  
AMEND CHAPTER 2, ARTICLE 19, SECTION 794

#### SIDE-MOUNTED AND SUPPLEMENTAL SIGNAL LAMPS (CHP-R-2006-12)

The California Highway Patrol (CHP) proposes to amend regulations in Title 13, California Code of Regulations (13 CCR), relating to side-mounted and supplemental signal lamps.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 26103 of the California Vehicle Code (VC) authorizes the CHP to adopt regulations establishing standards and specifications for, among other items, lighting equipment. Standards for side-mounted and supplemental signal lamps are contained in 13 CCR, Sections 790 through 794.

Requirements for side-mounted and supplemental signal lamps are described in 13 CCR, Article 19. The

CHP proposes to amend Section 794 of that article by adopting, by reference, Society of Automotive Engineers (SAE) Standards J914 JUL2003 and J2039 MAY2001, regarding photometric test requirements.

### **PUBLIC COMMENTS**

Any interested person may submit written comments on this proposed action via facsimile at (916) 446-4579, by email to [cvsregs@chp.ca.gov](mailto:cvsregs@chp.ca.gov), or by writing to:

CHP, Enforcement Services Division  
Commercial Vehicle Section  
ATTN: Mr. Cris Morgan  
P.O. Box 942898  
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 PM May 7, 2007.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section, no later than 15 days prior to the close of the written comment period.

### **AVAILABILITY OF INFORMATION**

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 446-4579 or by calling the CHP, Commercial Vehicle Section at (916) 445-1865. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the California Highway Patrol, Commercial Vehicle Section, 444 North Third Street, Sacramento. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our website at [www.chp.ca.gov/regulations](http://www.chp.ca.gov/regulations).

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our website.

### **CONTACT PERSON**

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Cris Morgan or Mr. Gary Ritz, CHP, Commercial Vehicle Section at (916) 445-1865. Inquiries regarding the substance of the proposed regulations should be directed to Mr. Cris Morgan.

### **ADOPTION OF PROPOSED REGULATIONS**

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

### **FISCAL AND ECONOMIC IMPACT**

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary costs or savings to any local agency, no cost to any local agency or school district for which Government Code Section 17561 requires reimbursement, no cost or savings to any state agency, or cost or savings in federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

### **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

The CHP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### **EFFECT ON SMALL BUSINESSES**

The CHP has determined that the proposed regulatory action will not affect small businesses. This proposed regulatory action makes only technical, non-substantive or clarifying changes to current law and regulations.



## ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

## AUTHORITY

This regulatory action is being taken pursuant to Vehicle Code Sections 2402 and 26103.

## REFERENCE

This action implements, interprets, or makes specific Vehicle Code Sections 2402, 26103 and 24953.

## TITLE 13. CALIFORNIA HIGHWAY PATROL

### NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2  
CHAPTER 4, AMEND ARTICLE 15,  
SECTION 1090

### SPECIAL EQUIPMENT — WHEELCHAIR LIFTS (CHP-R-06-03)

The California Highway Patrol (CHP) proposes to amend regulations in Title 13, California Code of Regulations, related to requirements for wheelchair lifts.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 2402 of the California Vehicle Code (VC) authorizes the CHP to adopt and enforce rules and regulations necessary to carry out its duties. Section 34501 VC authorizes the Department to adopt reasonable rules and regulations that, in the judgment of the Department, are designed to promote the safe operation of vehicles described in Section 34500 VC, regarding, but not limited to, equipment, inspection, maintenance, and recordkeeping. The rules and regulations adopted pursuant to Section 34501 shall not, however, be applicable to school buses, which shall be subject to rules and regulations adopted pursuant to Section 34501.5 VC. The CHP adopted standards for wheelchair lifts for all buses, except school buses, in approximately 1979. These standards are contained in Sections 1090–1095, Title 13, California Code of Regulations (13 CCR).

In adopting Section 34501.1 VC, the Legislature further directed in 1989, that all “wheelchair lifts for buses, school buses, youth buses, and general public paratransit vehicles, regardless of capacity” be certified by the manufacturer to the CHP that they meet “the California law and any federal law and the regulations adopted thereto.”

The National Highway Traffic Safety Administration (NHTSA) has now adopted standards into the Federal Motor Vehicle Safety Standards (FMVSS) for all wheelchair lifts intended for use on all motor vehicles, including all buses as well as private personal passenger vehicles. These standards are contained in FMVSS Nos. 403 and 404 (49 CFR 571.403 and 571.404). Under the FMVSS it will be unlawful, after the effective date of the regulations, for any party to manufacture for sale any wheelchair lift for any motor vehicle that does not comply with the standard. It will be further unlawful for any motor vehicle dealer to sell any new vehicle with a wheelchair lift installed that does not comply with the standards for both the wheelchair lift itself and the installation of the wheelchair lift in the vehicle.

In response to the adopted FMVSS, the CHP amended the standards contained in 13 CCR, Sections 1090–1095 in 2003 to incorporate, by reference, the requirements contained in the FMVSS for wheelchair lifts. The effective date contained in the amendment to 13 CCR coincided with the original effective date of the FMVSS as published in the Federal Register. However, after publishing the effective date in the Federal Register, the NHTSA delayed the actual effective date of the FMVSS.

The CHP now proposes to amend the effective dates of the FMVSS referenced in Section 1090, 13 CCR. The effective dates contained in the proposed amendment coincide with the actual effective dates of the FMVSS.

By proposing this regulatory action, the CHP’s purpose is to fully harmonize California regulation with federal regulation as required by the Motor Vehicle Safety Act, Chapter 301, Title 49, United States Code (49 USC, §§ 30101 et seq.), and to extend the benefits of the federal regulation to all wheelchair lift users.

In adopting the standards contained in the FMVSS into 13 CCR, the CHP notes that these standards apply to all wheelchair lifts intended to be installed in motor

vehicles. Failure to comply with these standards is a violation of federal law. Consequently every manufacturer or installer of wheelchair lifts, whether intended for interstate or intrastate commerce is required to adhere to the federal standards. Therefore adopting these standards into 13 CCR will have no adverse economic impact on any manufacturer or installer of wheelchair lifts, since they are already required to comply with the federal standard by federal law. Adopting these standards into 13 CCR merely gives the CHP and allied agencies authority to enforce these standards.

#### **PUBLIC COMMENTS**

Any interested person may submit written comments on this proposed action via facsimile at (916) 446-4579, by email to [cvsregs@chp.ca.gov](mailto:cvsregs@chp.ca.gov), or by writing to:

CHP, Enforcement Services Division  
Commercial Vehicle Section  
ATTN: Mr. Cris Morgan  
P.O. Box 942898  
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 PM May 7, 2007.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section, no later than 15 days prior to the close of the written comment period.

#### **AVAILABILITY OF INFORMATION**

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 446-4579 or by calling the CHP, Commercial Vehicle Section at (916) 445-1865. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, Commercial Vehicle Section, 444 North Third Street, Sacramento. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our website at [www.chp.ca.gov/regulations](http://www.chp.ca.gov/regulations).

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our website.

#### **CONTACT PERSON**

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Cris Morgan or Mr. Gary Ritz, CHP, Commercial Vehicle Section at (916) 445-1865. Inquiries regarding the substance of the proposed regulations should be directed to Mr. Cris Morgan.

#### **ADOPTION OF PROPOSED REGULATIONS**

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

#### **FISCAL AND ECONOMIC IMPACT**

The CHP has made an initial determination that this proposed regulatory action: (1) will have no affect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency, school district, or state agency, or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

#### **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

The CHP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### **EFFECT ON SMALL BUSINESSES**

The CHP has determined that the proposed regulatory action will not affect small businesses. This proposed

regulatory action makes only technical, non-substantive or clarifying changes to current law and regulations.

### ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the California Highway Patrol, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The California Highway Patrol invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

### AUTHORITY

This regulatory action is being taken pursuant to Sections 2402, 24011 and 34501.1 VC.

### REFERENCE

This action implements, interprets, or makes specific Sections 2402, 24011 and 34501.1 VC.

## TITLE 13. CALIFORNIA HIGHWAY PATROL

### NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2  
AMEND CHAPTER 2, ARTICLE 22, SECTIONS 811 AND 813

### WARNING LAMPS (CHP-R-2006-18)

The California Highway Patrol (CHP) proposes to amend regulations in Title 13, California Code of Regulations (13 CCR), relating to warning lamps.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Requirements for warning lamps are described in 13 CCR, Division 2, Chapter 2, Article 22, Sections 810

through 818. The CHP proposes to amend Sections 811 and 813 by clarifying and expanding the definition of a "flash." In doing so, the revised definition of a flash will conform more closely to that contained in Society of Automotive Engineers (SAE) Recommended Practice J845 MAY 1997.

### PUBLIC COMMENTS

Any interested person may submit written comments on this proposed action via facsimile at (916) 446-4579, by email to [cvsregs@chp.ca.gov](mailto:cvsregs@chp.ca.gov), or by writing to:

CHP, Enforcement Services Division  
Commercial Vehicle Section  
ATTN: Mr. Cris Morgan  
P.O. Box 942898  
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 PM, May 7, 2007.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section, no later than 15 days prior to the close of the written comment period.

### AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 446-4579 or by calling the CHP, Commercial Vehicle Section at (916) 445-1865. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, Commercial Vehicle Section, 444 North Third Street, Sacramento. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our website at [www.chp.ca.gov/regulations](http://www.chp.ca.gov/regulations).

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our website.

## CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Cris Morgan or Mr. Gary Ritz, CHP, Commercial Vehicle Section, at (916) 445-1865. Inquiries regarding the substance of the proposed regulations should be directed to Mr. Cris Morgan.

## ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

## FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no affect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency, school district, or state agency, or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

## COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## EFFECT ON SMALL BUSINESSES

The CHP has determined that the proposed regulatory action will not affect small businesses. This proposed regulatory action makes only technical, non-substantive or clarifying changes to current law and regulations.

## ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

## AUTHORITY

This regulatory action is being taken pursuant to Vehicle Code Section 26103.

## REFERENCE

This action implements, interprets, or makes specific Vehicle Code Sections 24012 and 26103.

## TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

### NOTICE OF PROPOSED REGULATIONS

#### California Code of Regulations Title 15, Crime Prevention and Corrections Department of Corrections and Rehabilitation

**NOTICE IS HEREBY GIVEN** that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend Section 3000, and Sections 3130 through 3147, of Title 15 of the California Code of Regulations (CCR) to update the inmate mail regulations, and to bring the inmate mail regulations into compliance with federal and state law.

## PUBLIC HEARING

Date and Time: May 11, 2007 — 10:00am to 12:00am  
Place: Corrections Standards Authority  
Large Conference Room  
660 Bercut Drive, West Entrance  
Sacramento, CA 95814  
Purpose: To receive comments about this action.



PUBLIC COMMENT PERIOD:

The public comment period will close May 11, 2007, at 5:00pm. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections and Rehabilitation, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 341-7366; or by e-mail at [RPMB@cdcr.ca.gov](mailto:RPMB@cdcr.ca.gov) before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief  
Regulation and Policy Management Branch  
Department of Corrections and Rehabilitation  
P.O. Box 942883, Sacramento, CA 94283-0001  
Telephone (916) 341-7390**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**John McClure  
Regulation and Policy Management Branch  
Telephone (916) 341-6894**

Questions regarding the substance of the proposed regulatory action should be directed to:

**M. Nishimoto  
Correctional Counselor II  
Telephone (916) 445-6223**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None.*
- Other nondiscretionary cost or savings imposed on local agencies: *None.*
- Cost or savings in federal funding to the state: *None.*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based

(i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's web-site <http://www.cdcr.ca.gov>.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

#### AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR. Commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

- This action revises the Department's mail regulations to align them with current United States Postal Service regulations, as well as to avoid litigation regarding the Department's treatment of certain bulk rate items.
- Information contained in Administrative Bulletins regarding the Department's mail procedures has now been included in the revised regulations.
- Inconsistencies in institution mailroom procedures statewide are addressed and standardized in the revised regulations
- The revisions will assist in streamlining the processing of inmate mail and upgrade the efficiency of the institution's mailrooms.

### TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

#### NOTICE OF PROPOSED REGULATIONS

##### California Code of Regulations Title 15, Crime Prevention and Corrections Department of Corrections and Rehabilitation

**NOTICE IS HEREBY GIVEN** that the Secretary of the Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and the rulemaking authority granted by Penal Code (PC) Section 5058, in order to implement, interpret, and make specific PC Section 5054, proposes to amend Sections 3000, 3045.2, 3170.1, 3176, 3177, and 3815 in the California Code of Regulations (CCR), Title 15 concerning Registered Domestic Partners.

#### PUBLIC HEARING

Date and Time: May 15, 2007, — 9:00 a.m. to 10:00 a.m.  
Place: Corrections Standards Authority  
Large Conference Room —  
West Entrance  
660 Bercut Drive  
Sacramento, CA 95814  
Purpose: To receive comments about this action.

#### PUBLIC COMMENT PERIOD

The public comment period will close, May 15, 2007, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the

proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections and Rehabilitation, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 358-2636; or by e-mail at [RPMB@cdcr.ca.gov](mailto:RPMB@cdcr.ca.gov) before the close of the comment period.

#### CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief**  
**Regulation and Policy Management Branch**  
**Department of Corrections and Rehabilitation**  
**P.O. Box 942883, Sacramento, CA 94283-0001**  
**Telephone (916) 341-7390**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**Gail Long**  
**Regulation and Policy Management Branch**  
**Telephone (916) 341-7329**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Velda Dobson-Davis**  
**Division of Adult Institutions**  
**Telephone (916) 323-2812**

#### LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

#### FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

#### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

#### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

#### ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

#### CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action.

#### AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon re-

quest directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's web-site <http://www.cdcr.ca.gov>.

#### **AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

#### **AVAILABILITY OF CHANGES TO PROPOSED TEXT**

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the director. Commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

- This action amends provisions governing immediate family members within the California Department of Corrections and Rehabilitation. California Code of Regulations Sections are being amended as a result of Assembly Bill 205, which amends the Family Code to include Section 297.5(a) that gives registered domestic partners the same rights, protections, and benefits; as are granted to spouses.
- Provides that no public agency in this state may discriminate against any person or couple on the ground that the person is a registered domestic partner rather than a spouse or that the couple are registered domestic partners rather than spouses.
- Applies only to registered domestic partners of inmates who are not incarcerated and who live in the community and whose relationship was established prior to the inmate's incarceration. Family visits between two inmates who are registered domestic partners would not be permitted.
- Allows a parolee alien who is under federal law, to be treated by California law as if federal law recognized a domestic partnership in the same manner as California law.
- In addition, grammatical and punctuation changes are also made for consistency and to meet departmental standards.

#### **TITLE 16. CALIFORNIA BOARD OF ACCOUNTANCY**

NOTICE IS HEREBY GIVEN that the California Board of Accountancy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Courtyard by Marriott CalExpo, 1780 Tribute Road, Sacramento CA 95815 at 11:00 a.m. on May 11, 2007. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the California Board of Accountancy at its office no later than 5:00 p.m. on May 10, 2007, or must be received by the California Board of Accountancy at the hearing. If submitted at the hearing, it is requested, although not required, that 25 copies be made available for distribution to Board members and staff. The California Board of Accountancy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposal if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption



from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**Authority and Reference:** Pursuant to the authority vested by Sections 125.9, 148, 5010, 5096 and 5096.9 of the Business and Professions Code and to implement, interpret or make specific Sections 125.9, 148, 5050, 5051, 5096, 5096.3, 5096.14, and 5100 of the Business and Professions Code, the California Board of Accountancy is considering changes to Division 1 of Title 16 of the California Code of Regulations as follows:

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

### 1. Amend Section 30 Title 16 of the California Code of Regulations.

Section 5096.9 of the Business and Professions Code authorizes the California Board of Accountancy to adopt regulations to implement, interpret, or make specific the statutory provisions related to Practice Privileges.

Current Section 30, applicable during the period January 1, 2006, through December 31, 2007, provides for a "safe harbor period" during which an individual shall not be deemed to be in violation of the practice privilege requirements solely because he or she began practice in California prior to submitting a Practice Privilege Notification Form, provided the Notification Form is submitted within five business days of the date practice begins.

Section 5096.14 of the Business and Professions Code mandates that the Board amend Section 30 to extend the operative period of the "safe harbor" provision through December 31, 2010.

This proposal would amend Section 30 to extend the operative period of the "safe harbor" provision in compliance with this statutory mandate.

The objective of this proposal is to amend Section 30 to achieve compliance with the policy direction given by the Legislature specific to the "safe harbor" provision.

### 2. Amend Sections 95, 95.2, and 95.6 Title 16 of the California Code of Regulations.

Section 125.9 of the Business and Professions Code authorizes any board within the Department of Consumer Affairs to establish, by regulation, a system for the issuance of a citation which may contain an order to pay an administrative fine in an amount not to exceed \$5,000. Section 148 of the Business and Professions Code authorizes a board within the Department of Consumer Affairs to establish by regulation a similar sys-

tem for the issuance of a citation to an unlicensed person who is acting in the capacity of a licensee.

Current Section 95 provides for the issuance of citations to licensees of the California Board of Accountancy. Current Section 95.2 provides a schedule of administrative fine amounts that may be assessed in the citation. Current Section 95.6 provides for the issuance of a citation to an unlicensed person acting in the capacity of a licensee.

This proposal would amend Section 95 to include a provision authorizing the issuance of a citation for a violation of a term or condition of probation. Also, this proposal would amend Section 95.2 to delete the schedule of fines, and instead authorize the assessment of fines in the range of not less than \$100 or more than \$5,000 for each investigation. In addition, this proposal would increase the maximum fine authorized under Section 95.6 to \$5,000 for each investigation.

The objective of this proposal is to update and improve the Board's citation and fine regulations by permitting the issuance of citations for a violation of a term or condition of probation, deleting a cumbersome schedule of fine amounts, and making the maximum fine amounts consistent with the maximum amounts authorized by statute.

## FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Insignificant.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The California Board of Accountancy has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies were relied upon in making that determination: None.

Impact on Jobs/New Businesses:

The California Board of Accountancy has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The California Board of Accountancy is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

**EFFECT ON SMALL BUSINESS**

The California Board of Accountancy has determined that the proposed regulations would affect small businesses.

**CONSIDERATION OF ALTERNATIVES**

The California Board of Accountancy must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS  
AND INFORMATION**

The California Board of Accountancy has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Board of Accountancy at 2000 Evergreen Street, Suite 250, Sacramento, California 95815.

**AVAILABILITY AND LOCATION OF  
THE FINAL STATEMENT OF REASONS  
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

**CONTACT PERSON**

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Aronna Wong  
Address: California Board of Accountancy  
2000 Evergreen Street, Suite 250  
Sacramento, CA 95815

Telephone No.: (916) 561-1788  
Fax No.: (916) 263-3675  
E-Mail Address: awong@cba.ca.gov

The backup contact person is:

Name: Dan Rich  
Address: California Board of Accountancy  
2000 Evergreen Street, Suite 250  
Sacramento, CA 95815

Telephone No.: (916) 561-1713  
Fax No.: (916) 263-3675  
E-Mail Address: drich@cba.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Aronna Wong at (916) 561-1788.

Web site Access: Materials regarding this proposal can be found at [www.dca.ca.gov/cba](http://www.dca.ca.gov/cba).

**TITLE 17. DEPARTMENT OF HEALTH  
SERVICES**

ACTION: Notice of Emergency Rulemaking  
Title 17, California Code of Regulations

SUBJECT: Reporting HIV Infection by Name,  
**R-06-014E**

The California Department of Health Services (CDHS) has adopted the regulations described in this notice on an emergency basis, and they are now in effect.

**PUBLIC PROCEEDINGS**

Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CDHS has adopted emergency amendments to Title 17, Article 3.5 of the California Code of Regulations (CCR), that relate to human immunodeficiency virus (HIV) disease reporting and surveillance practices. Health and Safety (H&S) Code Section 121022 requires health care providers, laboratories, and local health officers to report cases of HIV infection by name. H&S Code Section 121022, which took effect April 17, 2006, stipulates that CDHS must, by April 17, 2007, promulgate emergency regulations to make HIV reporting practices in CCR, Title 17, Article 3.5 consistent with the provisions of H&S Code Section 121022.

The emergency regulation amendments are intended to:

- Repeal patient codes used for HIV reporting by health care providers, laboratories, and local health officers;
- Require health care providers, laboratories, and local health officers to use patient name when reporting cases of HIV infection;
- Maintain confidentiality of personal information contained in HIV-related public health records by:
  - Instituting standards for data transmission; and
  - Implementing use of a standard confidentiality agreement, DHS 8689 (10/06) by all local health department (LHD) employees and contractors with access to confidential HIV-related information.
- Amend the regulations text to require reporting of all confirmed tests indicating the presence of HIV infection using a testing modality approved by the federal Food and Drug Administration (FDA) for that purpose;
- Facilitate provision of technical assistance by LHD representatives to assist health care providers with HIV reporting duties; and
- Improve the quality and completeness of HIV case data collected for the purposes of reporting to the satisfaction of the Centers for Disease Control and Prevention (CDC).

The emergency regulations update the HIV/AIDS Case Report forms, including both the Adult and Pediatric Confidential Case Report Forms (DHS 8641A [9/01] and DHS 8641P [9/01], respectively), to comply with H&S Code Section 121022 and federal requirements for racial and ethnic designations imposed January 1, 2003 (Federal Notice, July 9, 1997, Directive No. 15). Specifically, these emergency amendments update,

amend, revise the date, and incorporate by reference the following forms:

- “California Department of Health Services Adult HIV/AIDS Confidential Case Report,” DHS 8641A, dated (6/06); and
- “California Department of Health Services Pediatric HIV/AIDS Confidential Case Report,” DHS 8641P, dated (6/06).

The emergency regulations require the use of the HIV/AIDS Confidentiality Agreement (DHS 8689 [10/06]) by all state and LHD employees and contractors prior to accessing confidential HIV-related public health records. The HIV/AIDS Confidentiality Agreement informs staff of the penalties associated with a breach of confidentiality as well as the procedures for reporting a breach. These amendments incorporate by reference the form, “California Department of Health Services HIV/AIDS Confidentiality Agreement,” DHS 8689, dated (10/06).

### Authority to Amend the HIV Reporting Regulations

H&S Code Section 121022(c) requires CDHS to promulgate emergency regulations that bring the provisions of CCR, Title 17, Article 3.5 into agreement with H&S Code Section 121022(a), which mandates reporting of cases of HIV infection by name. CCR, Title 17, Sections 2641.5–2643.20 currently require health care providers and laboratories to report confirmed HIV tests to the local health officer using the non-name code instead of the name or other personally identifying information. H&S Code Section 120125 requires CDHS to examine causes of communicable diseases occurring or likely to occur in California. H&S Code Section 120140 authorizes CDHS, upon being informed by a health officer of a contagious, infectious, or communicable disease, to ascertain the nature of the disease and prevent its spread. H&S Code Section 120130 authorizes CDHS to establish a list of communicable or non-communicable diseases that are reportable by the local health officer to CDHS and are published in CCR, Title 17. CCR, Title 17, Division 1, Chapter 4, Subchapter 1, Article 1, Section 2500 directs health care providers to report AIDS and other reportable diseases to the local health officer with patient name, and Section 2502 specifies that the local health officer shall report these cases to CDHS. According to H&S Code Section 100119, CDHS/OA is the lead agency within the state responsible for coordinating HIV/AIDS related programs.

### Related Federal Statutes and/or Regulations

Title 42 of the Code of Federal Regulations (CFR), Part 493 regulates all laboratory testing (except research) performed on humans in the United States through the Clinical Laboratory Improvement Amendments (CLIA) of 1988. The objective of the CLIA pro-

gram is to establish training, licensing, and quality assurance standards for each clinical test to be performed. CLIA categorizes tests into certain groups based upon the degree of difficulty and level of expertise required of the technician. Tests vary in complexity from high to moderate to waived, and all clinical laboratories must be properly certified to perform each kind of test. The emergency amendments include language to help assure that new HIV tests approved by the federal FDA for determining the presence of HIV infection are reported, including the new antibody–screening test, commonly known as the “rapid HIV test,” which is classified as waived complexity. Each laboratory certified under CLIA is assigned a unique number, which provides a way to distinguish individual testing facilities that are part of large laboratory corporations.

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 governs the conditions under which health care providers are authorized to disclose protected health information. Title 45, CFR, Section 164.512 states that protected health information may be disclosed without individual authorization to public health authorities authorized by law to collect or receive the information for the purpose of preventing or controlling disease, including, but not limited to, the reporting of disease, and the conduct of public health surveillance, public health investigations, and public health interventions. Reporting of cases of HIV infection as required under the emergency amendments meets the HIPAA Privacy Rule standards for disclosure to public health authorities.

#### Fiscal Impact

Under current federal law, California risks a loss of up to \$50 million annually in Ryan White Comprehensive AIDS Resources Emergency (CARE) Act funds if the CDC does not confirm California’s reported HIV cases for use in federal fiscal year 2007. Under California’s code–based HIV reporting system, reported living HIV cases represented 40.9 percent of the state’s combined living HIV and AIDS cases. This represents a substantial contribution to the revised CARE Act funding formula that takes effect in 2007. According to a letter from CDC Director Dr. Julie Gerberding to Governor Arnold Schwarzenegger dated December 27, 2005, “CDC accepts data only from jurisdictions with confidential, name–based systems,” and “data from non–name–based systems cannot be included in counts for the [Ryan White CARE Act] formulas.” As a result, cases of HIV infection reported in California will be included in CARE Act formulas only if the case is reported by name. Adopting the emergency amendments to the HIV reporting regulations will improve the quality and completeness of HIV data for purposes of report-

ing to the satisfaction of the CDC and help prevent a significant funding loss.

#### Brief Summary of Emergency Amendments

- *Name.* Sections 2643.5 and 2643.10 are amended to require health care providers and laboratories to include the complete name of the patient when reporting cases of HIV infection to the local health officer. Earlier versions of the HIV/AIDS Case Report Forms, DHS 8641A (9/01) and DHS 8641P (9/01), included instructions prohibiting the reporting of patient name for cases of HIV infection. These instructions have been removed from the revised forms, DHS 8641A (6/06) and DHS 8641P (6/06), which are incorporated by reference and included in Section 2641.55. Local health officers shall report patient name to CDHS/OA when using the revised forms under Section 2643.15.
- *Permit Release of Personal Information to Local Health Officer.* Given the recent changes to H&S Code Sections 120980 and 121022, health care providers and laboratories are no longer prohibited from sharing personal information with the local health officer for the purposes of HIV reporting. Subsections that prohibited release of personal information in Sections 2643.5 and 2643.10 are repealed.
- *Repeal Codes.* With the use of patient name, patient codes are no longer needed for HIV reporting. References to the non–name code and partial non–name code are removed from Sections 2643.5 and 2643.10. Sections 2641.75 and 2641.77, defining the non–name code and partial non–name code, respectively, are repealed.
- *Repeal Cross–Reference System.* Prior to the emergency amendments, Section 2643.5 required health care providers to maintain a system cross–referencing patient data by code in order to complete case reports and communicate with the local health officer. This cross–reference system is no longer necessary, and the appropriate subsection of Section 2643.5 is repealed.
- *Confidentiality Agreement.* Section 2643.15 is amended to require all LHD employees and contractors sign the HIV/AIDS Confidentiality Agreement (DHS 8689 [10/06]) prior to accessing confidential HIV–related public health records. Section 2641.56 is adopted to define the “HIV/AIDS Confidentiality Agreement,” and DHS 8689 (10/06) is incorporated by reference. The Confidentiality Agreement is added to



regulations in accordance with H&S Code Section 121022(e).

- *Data Transmission Practices.* In order to ensure confidentiality of reports containing personal information, Sections 2643.5 and 2643.10 are amended to require that health care providers and laboratories use traceable mail or person-to-person transfer to report cases of HIV infection to the local health officer. Reports containing personal information shall not be e-mailed, sent by fax, or sent by non-traceable mail to the local health officer.
- *Report all FDA-approved Tests.* A definition of “HIV Test Algorithm” is adopted in Section 2641.57. Section 2641.30 amends the definition of “Confirmed HIV Test” to include all HIV test algorithms approved by FDA to detect the presence of HIV infection. Section 2641.45 amends the definition of “Health Care Provider” to include an individual who conducts an HIV test or HIV test algorithm. Section 2641.60 amends the definition of “Laboratory” to include the location where a health care provider conducts an HIV test algorithm. These changes ensure that all confirmed HIV tests including HIV test algorithms approved by FDA to detect the presence of HIV infection are reported to the local health officer.
- *Communication between Health Care Providers and LHD Staff.* Section 2643.5 is amended to add subsection (g) to facilitate efforts by LHD representatives to provide technical assistance to health care providers with respect to reporting cases of HIV infection.
- *Updated Confidential HIV/AIDS Case Report Forms.* Section 2641.55 is amended to incorporate by reference the updated versions of the HIV/AIDS Case Reports defined in this article, DHS 8641A (6/06) and DHS 8641P (6/06).
- *HIV Reporting Authority.* H&S Code Section 121022 is included in the reference and authority citations of amended sections. This reflects the statutory mandate for name-based HIV reporting in California.

The emergency amendments will bring existing code-based reporting procedures of CCR, Title 17, Article 3.5 in line with the newly enacted provisions of H&S Code Section 121022. The resulting name-based HIV reporting system will be less confusing, less time-consuming, more accurate and reliable, and more efficient than the current code-based system. All reporting entities, including health care providers, laboratories, and LHDs, will benefit from the decrease in reporting

burden. Ultimately, the name-based HIV reporting system will ensure California remains eligible for federal funding by reporting cases of HIV infection in a manner that is accepted by CDC for use in Ryan White CARE Act funding formulas. For these reasons, CDHS/OA amended CCR, Title 17, Sections 2641.30, 2641.45, 2641.55, 2643.5, 2643.10, and 2643.15, adopted CCR, Title 17, Sections 2641.56 and 2641.57, and repealed CCR, Title 17, Sections 2641.75 and 2641.77.

## AUTHORITY

Section 1224, Business and Professions Code; and Sections 100180, 100275, 101160, 120125, 120130, 120140 and 121022, Health and Safety Code.

## REFERENCE

Sections 1202.5, 1206, 1206.5, 1209, 1220, 1241, 1265, 1281, 1285 and 1288, Business and Professions Code; and Sections 1603.1, 100119, 100180, 101150, 101160, 120175, 120250, 120775, 120820, 120885–120895, 120917, 120975, 120980, 121015, 121022, 121025, 121035, 121085 and 121110, Health and Safety Code.

## COMMENTS

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on May 16, 2007, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand-delivered to the Office of Regulations, Department of Health Services, MS 0015, 1501 Capitol Avenue, P.O. Box 997413, Sacramento, CA 95899-7413. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate; or
2. By fax transmission: (916) 440-7714; or
3. By email to [regulation@dhs.ca.gov](mailto:regulation@dhs.ca.gov) (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier “R-06-014E” in the subject line to facilitate timely identification and review of the comment), or
4. By using the “Making Comments on DHS Regulations” link on the CDHS website at <http://www.applications.dhs.ca.gov/regulations/>.

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the CDHS to provide copies of any notices for emergency changes to the regulation text on which additional comments may be solicited.

## INQUIRIES

Inquiries regarding the substance of the emergency regulations described in this notice may be directed to Dr. Juan Ruiz of the Office of AIDS at (916) 449-5900.

All other inquiries concerning the action described in this notice may be directed to Barbara S. Gallaway of the Office of Regulations at (916) 440-7689, or to the designated backup contact person, Linda Tutor, at (916) 440-7695.

## CONTACTS

**In any inquiries or written comments, please identify the action by using the CDHS regulation package identifier, R-06-014E.**

## AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The CDHS has prepared and has available for public review an initial statement of reasons for the emergency regulations, all the information upon which the emergency regulations are based, and the text of the emergency regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the emergency regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at <http://www.applications.dhs.ca.gov/regulations/> and then clicking on the "Select DHS regulations" button.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711/1-800-735-2929), or email [regulation@dhs.ca.gov](mailto:regulation@dhs.ca.gov), or write to the Office of Regulations at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.

## AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the emergency action will be made available by the CDHS's Office of Regulations at least 15 days prior to the date on which the CDHS adopts, amends, or repeals the resulting regulation.

## FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government:  
LHDs will incur no additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current regulations.
- B. Fiscal Effect on State Government:  
There is no fiscal effect on state agencies because this regulation does not affect any State agency or program.
- C. Fiscal Effect on Federal Funding of State Programs:  
These regulations make HIV reporting practices in CCR, Title 17, Article 3.5 consistent with the provisions of H&S Code Section 121022. The reporting practices in CCR, Title 17, Article 3.5 ensure that HIV case information meets the standards established by the Centers for Disease Control and Prevention (CDC). While CDC has no regulatory power and no direct authority over reporting of HIV in California or any other state, CDC is responsible for ensuring the quality and security of the national HIV/AIDS surveillance system, which is the basis for allocating Ryan White Comprehensive AIDS Resources Emergency (CARE) Act dollars to states to ensure integrity of the system used to allocate Ryan White CARE Act funds, CDC has established a set of Program Requirements as a condition of funding for state and local surveillance programs. This allows CDC to protect the national system from program practices that call the integrity and security of the national system into question. Data that does not meet CDC's standards is not accepted and is not included in federal funding formulas.
- D. All cost impacts, known to the CDHS at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action:  
CDHS is not aware of any cost impacts that a representative private person would necessarily

incur in reasonable compliance with the proposed action.

CDHS has made an initial determination that adoption of these regulations may have a fiscal impact on businesses directly affected. Laboratories will report confirmed HIV test results by name and may experience an added cost of submitting a report to the LHD. Since most laboratories can easily generate electronic or paper-based reports from existing computer databases, potential costs will only be those associated with mailing or courier services. Health care providers will include patient name when reporting HIV cases to LHDs. Health care providers may experience an added cost associated with mailing or courier services. Adequate security of HIV-related reports may help health care providers and laboratories avoid civil and criminal penalties, including fines, associated with inadvertent disclosure of HIV test results or related information.

E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies:

CDHS does not anticipate that any additional non-discretionary costs or savings will be imposed on local agencies.

## DETERMINATIONS

These regulations would mandate that local health departments report cases of HIV infection to the State health department and would create a mandate for local health departments that is reimbursable according to Section 6 of Article XIII B of the California Constitution and Section 17500 et seq. of the Government Code.

Funds in the amount of \$1,431,000 were approved in the FY 2000–2001 State baseline budget to reimburse local health departments for their HIV reporting activities as mandated by the existing regulations. These funds remain available in the budget to reimburse local health departments for their HIV reporting activities as modified by these regulations. The CDHS has determined that the reimbursable costs incurred by local health departments for name-based reporting under these regulations would not exceed the costs they currently incur for code-based reporting under the existing regulations, since name-based reporting is less complex, labor intensive, and time-consuming than code-based reporting.

The CDHS has made an initial determination that the regulations would not have a significant statewide ad-

verse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The CDHS has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The CDHS has determined that the regulations would affect small business.

The CDHS has determined that the regulations will have no impact on housing costs.

CDHS has made the initial determination that these emergency amendments require reports from businesses, and it is necessary for the health, safety, or welfare of the people of California that the emergency amendments apply to businesses.

## ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13) the CDHS must determine that no reasonable alternative considered by the CDHS or that has otherwise been identified and brought to the attention of the CDHS would be more effective in carrying out the purpose for which the emergency action was taken or would be as effective and less burdensome to affected private persons than the emergency action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

For individuals with disabilities, the CDHS will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of public hearing materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call or write: Linda Tutor, Office of Regulations, MS 0015, P.O. Box 997413, Sacramento, CA 95899–7413, voice (916) 440–7695 and/or California Relay 711–1–800–735–2929. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

## **TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

### **45-DAY PUBLIC NOTICE AND COMMENT PERIOD**

#### *Standardized Permit Application Procedures*

**Department Reference Number: R-2005-11**

**Office of Administrative Law Notice File Number:  
Z-07-0313-09**

**NOTICE IS HEREBY GIVEN** that the Department of Toxic Substances Control (DTSC) proposes to amend/adopt California Code of Regulations, title 22, sections: 66270.67, 66270.69, 66270.69.1, 66270.69.2, 66270.69.3, 66270.69.4, 66270.69.5, 67800.1 and 67800.5.

#### **PUBLIC HEARING AND WRITTEN COMMENT PERIOD**

A written comment period has been established commencing on March 23 and closing on May 8, 2007. DTSC will hold a public hearing on the proposed regulations at 10:00 a.m. on May 8, 2007 in Conference Room 210, 2<sup>nd</sup> Floor, 1001 "I" Street, Sacramento, at which time any person may present statements or arguments orally or in writing, relevant to this proposal. Please submit written comments to the contact person listed at the end of this notice. Written comments on the rulemaking submitted no later than 5:00 p.m. on May 8, 2007 will be considered.

Representatives of DTSC will preside at the hearing. Persons who wish to speak are requested to register before the hearing. Pre-hearing registration will be conducted at the location of the hearing from 9:30 a.m. to 10:00 a.m. Registered persons will be heard in the order of their registration. Any other person wishing to speak at the hearing will be afforded an opportunity after the registered persons have been heard.

Due to enhanced security precautions at the Cal/EPA Headquarters Building located at 1001 I Street, Sacramento, all visitors are required to sign in prior to attending any meeting. Sign-in and badge issuance occur in the Visitor and Environmental Services Center. This Center is located just inside and to the left of the building's public entrance. Depending on their destination and the building security level, visitors may be asked to show valid picture identification. Valid picture identification can take the form of a current driver's license, military identification card, or state or federal identification cards. Depending on the size and number of

meetings scheduled on any given day, the security check-in could take from three to fifteen minutes. Please allow adequate time to sign in before being directed to your meeting.

If you have special accommodation or language needs, please contact Laura Hayashi, Regulations Coordinator, at (916) 322-6409 or by e-mail at [regs@dtsc.ca.gov](mailto:regs@dtsc.ca.gov) by April 24, 2007. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

In accordance with the California Government Code and Americans with Disabilities Act requirements, this publication can be made available in Braille, large print, computer disk, or tape cassette (etc) as a disability-related reasonable accommodation for an individual with a disability. To discuss how to receive a copy of this publication in an alternative format, please contact Adrian Ricio, Reasonable Accommodation Coordinator at (916) 324-3095 or by e-mail at [aricio@dtsc.ca.gov](mailto:aricio@dtsc.ca.gov).

#### **AUTHORITY AND REFERENCE**

These regulations are being proposed under the following authorities:

Health and Safety Code section 25150. This section grants DTSC authority to adopt standards dealing with the management of hazardous waste.

Health and Safety Code section 25201.6. This section grants DTSC authority to adopt regulations dealing with standardized permit facilities.

Health and Safety Code section 58012 (Added by Gov. Reorg. Plan No. 1, §146, eff. July 17, 1991.) This section grants DTSC authority to adopt regulations to execute its duties. (note: this section enacted by GRP 1, see [http://www.dtsc.ca.gov/LawsRegsPolicies/upload/OEARA\\_REG\\_GRP1.pdf](http://www.dtsc.ca.gov/LawsRegsPolicies/upload/OEARA_REG_GRP1.pdf))

These regulations implement, interpret, or make specific the following:

Health and Safety Code section 25150, 25201.6 and 58012.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Existing Law: In 1993, Health and Safety Code section 25201.6 established the standardized permit tier for certain activities at existing hazardous waste facilities, and DTSC developed regulations that established the application process. Eligible facilities received interim status to continue operating until the standardized permits could be processed. Standardized permit interim status is no longer available, so section 25201.6 is now outdated, and does not provide clear direction for eligibility for the standardized permit tier.



**Existing Regulations:** The original standardized permit regulations dealt only with existing facilities and interim status. In a 2002 regulations revision, DTSC inadvertently removed the language describing the permit application process. In addition, even the original regulatory language was no longer strictly applicable, because interim status was no longer available, and because a proposed, rather than only an existing, facility may now apply. The application process needs updating and clarifying. Changes are also needed as a result of other regulation packages. Current article 5 of chapter 45, Schools Hazardous Waste Collection, Consolidation and Accumulation Facilities (SHWCCAFs), mistakenly includes two sections that apply only to standardized permitting.

### Policy Statement Overview

The specific objectives of the proposed regulations are to organize, update, and clarify the existing regulations and guidance documents applicable to standardized permit hazardous waste management facilities. There are no changes to the permit tier eligibility or operating requirements for these facilities.

### Proposed Regulations

For clarity, the standardized permit sections are being proposed to be removed from article 5 and placed in a new article dedicated to standardized permitting, article 6.5. The proposed regulations will apply to both new applicants and to existing standardized permit facilities when those facilities apply for a permit renewal.

## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

DTSC has found this rulemaking project to be exempt under CEQA. A draft of the Notice of Exemption (NOE) is available for review with the rulemaking file and the NOE will be filed with the State Clearinghouse when the regulations are adopted.

### PEER REVIEW

Under the provisions of Health and Safety Code section 57004, peer review is not required because the proposed regulations do not establish a regulatory level, standard or other requirement subject to peer review.

### BUSINESS REPORT

DTSC has determined that this rulemaking will not require businesses to write a new report, as defined by Government Code section 11346.3(c).

## FISCAL IMPACT ESTIMATES

**Mandates on Local Agencies and School Districts:** DTSC has made a preliminary determination that adoption of these regulations will create no new local mandates.

**Estimate of Potential Cost or Savings to Local Agencies Subject to Reimbursement:** DTSC has made a preliminary determination that adoption of these regulations will not impose a local mandate or result in costs subject to reimbursement pursuant to part 7 of division 4, commencing with section 17500, of the Government Code or other nondiscretionary costs or saving to local agencies.

**Cost or Saving to Any State Agency:** DTSC has made a preliminary determination that the proposed regulations will have no impact on State revenue or costs.

**Cost or Savings in Federal Funding to the State:** DTSC has made a preliminary determination that the proposed regulations will have no impact on Federal revenue or costs.

**Effect on Housing Costs:** DTSC has made an initial determination that there will be no impact on housing costs.

**Cost Impacts on Representative Private Persons or Businesses:** The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulations are clarifying and procedural only, and will have no impact on private persons or businesses. If there is any impact, it would be a slight savings of time in the preparation of the permit application documents.

**Significant Statewide Adverse Economic Impact on Business:** DTSC has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability to compete with businesses in other states.

### Assessment Statement:

- (A) **Creation or elimination of jobs within California** — DTSC has made a preliminary determination that no jobs will be created or eliminated in California as a result of the proposed regulations.
- (B) **Creation of new businesses or the elimination of existing businesses in California** — DTSC has made a preliminary determination that no businesses will be created or eliminated in California as a result of the proposed regulations.
- (C) **Expansion of businesses currently doing business in California** — DTSC has made a preliminary determination that no businesses in

California will be expanded as a result of the proposed regulations.

**Effect on Small Businesses:** These regulations are not expected to result in any impacts on small businesses in California. If there is any impact, it would be a slight savings of time in the preparation of the permit application documents.

## CONSIDERATION OF ALTERNATIVES

DTSC must determine that no reasonable alternative to these regulations would be more effective or less burdensome to the affected parties than the proposed regulations. DTSC considered the alternative of not developing the subject regulations, but this alternative was rejected because it does not provide the needed procedural clarifications for the universe of standardized permit facilities. Updating and organizing the regulations will ease the procedural permit application preparation and review burden on facility owner/operators and on DTSC permitting staff.

## AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF REASONS

Copies of the Initial Statement of Reasons and text of the proposed regulations are posted to DTSC's Internet site at <http://www.dtsc.ca.gov> or may be obtained from Ms. Laura Hayashi of DTSC's Regulations Section, as specified below. The information upon which DTSC relied is also available at the address listed below.

## POST-HEARING CHANGES

After the close of the comment period, DTSC may adopt the proposed regulations. If substantive changes are made, the modified text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulations, attend the hearing, or provide written comments on these specific regulations will be sent a copy of the modified text, if substantive changes are made.

Once a regulation has been adopted, DTSC prepares a Final Statement of Reasons that updates the Initial Statement of Reasons, summarizes how DTSC addressed comments and includes other materials, as required by Government Code section 11346.9. Copies of the Final Statement of Reasons may be obtained from Ms. Hayashi at the address listed below. A copy of the Final Statement of Reasons will also be posted on DTSC's Internet site at <http://www.dtsc.ca.gov>, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulations.

## CONTACT PERSONS

Inquiries regarding technical aspects of the proposed regulations or CEQA documents may be directed to Ms. Jan Smith of DTSC at (916) 324-0705 or, if unavailable, Ms. Sherri Lehman of DTSC at (916) 327-4509. However, such oral inquiries are not part of the rule-making record.

Statements, arguments or contentions regarding rule-making and/or supporting documents must be submitted, in writing or may be presented orally or in writing at the public hearing in order for them to be considered by DTSC before it adopts, amends or repeals these regulations. To be included in this regulation package's mailing list, and to receive updates of this rulemaking, please visit <http://www.calepa.ca.gov/Listservs/dtsc/> and subscribe to the applicable Listserv. You may also leave a message on the DTSC mailing list phone line at (916) 324-9933 or e-mail: [regs@dtsc.ca.gov](mailto:regs@dtsc.ca.gov).

Please direct all written comments, procedural inquiries and requests for documents by mail, e-mail or fax to:

Ms. Laura Hayashi, Regulations Coordinator  
Regulations Section  
Department of Toxic Substances Control

Mailing Address: P.O. Box 806  
Sacramento, California  
95812-0806

E-mail Address: [regs@dtsc.ca.gov](mailto:regs@dtsc.ca.gov)

Fax Number: (916) 323-3215

Ms. Hayashi's phone number is (916) 322-6409. If Ms. Hayashi is unavailable, please call Ms. Nicole Sotak at (916) 327-4508.

## TITLE 27. CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

### Unified Program Consolidated Forms (UPCF) and Supporting Data Dictionary Changes

#### 45-Day Public Notice and Comment Period

**NOTICE IS HEREBY GIVEN** that the California Environmental Protection Agency (Cal/EPA) proposes to amend the California Code of Regulations, title 27, division 1, subdivision 4, chapter 1, article 6, section 15290; article 9, section 15400; and article 10, section 15600. These regulations require amending the corresponding reports required by section 15290 entitled Report 3 — Annual Inspection Summary Report, Report 4 — Annual Enforcement Summary Report, and Report 6 — Quarterly Underground Storage Tank Program Re-

port. These regulations also amend the Data Dictionary for Regulated Activities that is found in division 3, subdivision 1, chapters 1–5. The associated elements in the data dictionary are related to the following Unified Program Consolidated Forms (UPCF): Business Activities Page, Business Owner/Operator Identification Page, Hazardous Material Inventory Page and the Onsite Tiered Permitting Permit by Rule Page. These regulations also amend the UPCF found in division 3, subdivision 1, chapter 6.

These proposed regulations improve the organizational structure, delete information requirements that are no longer needed or used, and clarify existing data elements of the data dictionary, reports and forms.

### PUBLIC HEARING AND WRITTEN COMMENT PERIOD

A written comment period has been established beginning March 23, 2007, and closing on May 7, 2007. Cal/EPA will hold a public hearing on the proposed regulations on May 11, 2007, at 9 A.M. in the Cal/EPA headquarters building, Byron Sher Auditorium, 2<sup>nd</sup> Floor, 1001 “T” Street, Sacramento, California, at which time any person may present statements or arguments orally or in writing, relevant to this proposal. Please submit written comments to the contact person listed at the end of this notice. Written comments submitted no later than 5 P.M. on May 7, 2007, will be considered.

Representatives of Cal/EPA will preside at the hearing. Anyone who wishes to speak needs to register before the hearing. Pre-hearing registration will be conducted at the location of the hearing from 8:30 A.M. to 9 A.M. Registered persons will be heard in the order of registration. Other persons wishing to speak at the hearing will be given an opportunity to do so after the registered persons have been heard.

Due to enhanced security precautions at the Cal/EPA headquarters building, all visitors are required to sign in and obtain a visitor badge prior to attending any meeting. Sign-in and badge issuance occur in the Visitor and Environmental Services Center located just inside and to the left of the building’s public entrance. Visitors may be asked to show valid picture identification, which can be a current driver’s license, military identification card, or state or federal identification card. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three to 15 minutes. Please allow adequate time to sign in before being directed to the public hearing.

If you have special accommodations or language needs, please contact Ellajay Joiner, Executive Assistant, Unified Program, Cal/EPA, at (916) 327–9559 or

by e-mail at [ejoiner@calepa.ca.gov](mailto:ejoiner@calepa.ca.gov) by April 27, 2007. TTY/TDD users may dial 711 for the California Relay Service. Speech-to-Speech services are available by calling (800) 735–0373 or via TTY at (800) 735–0193.

### AUTHORITY AND REFERENCE

The Secretary of Cal/EPA makes these amendments under the authority granted by Health and Safety Code section 25404, subdivisions (b), (c), (d), and (e); section 25404.6, subdivision (c); and section 25531.2; and Government Code section 16.5(c). These sections require the Secretary to adopt regulations that would implement, interpret or make specific Health and Safety Code chapter 6.11 for the Unified Program.

The Secretary of Cal/EPA also makes these amendments under the authority granted by Public Resources Code sections 71060–71063 regarding data management standardization. These sections require the Secretary to adopt regulations to standardize environmental data reporting electronically.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### Existing Law

Chapter 6.11, division 20, of the Health and Safety Code section 25404 et seq. created the Unified Hazardous Waste and Hazardous Materials Management Regulation Program (Unified Program). The regulations to implement this program are located in title 27 of the California Code of Regulations. The Unified Program is a merger of the administration of the six previously existing programs specified in Health and Safety Code section 25404(c) and in section 15100 et seq of title 27 of the California Code of Regulations. The six program elements and related laws are:

1. Hazardous Materials Release Response Plans and Inventory — Health and Safety Code division 20, article 1, section 15500 et seq; and title 19 of the California Code of Regulations, sections 2620–2734, also known as the ‘right-to-know’ or ‘hazardous materials inventory’ programs.
2. California Accident Prevention (CalARP) Program — Health and Safety Code division 20, article 2, section 15531 et seq; and title 19 of the California Code of Regulations, sections 2735.1–2785.1.
3. Underground Tank Program — Health and Safety Code division 20, chapter 6.7, section 25280 et seq; and title 23 of the California Code of Regulations, section 2620 et seq.



4. Aboveground Storage Tank Program — Health and Safety Code division 20, chapter 6.67, section 25270.5(c); and by reference federal regulations in part 112 of title 40 of the Code of Federal Regulations.
5. Hazardous Waste Generator Program and Hazardous Waste Onsite Treatment activities — Health and Safety Code division 20, chapter 6.5; and title 22 of the California Code of Regulations, division 4.5.
6. Hazardous Materials Management Plan and Hazardous Materials Inventory Statement requirements — California Fire Code title 24, part 9, sections 8001.3.2 and 8001.3.3.

Public Resources Code division 34, part 2, chapter 3, Environmental Data Reporting — Data Management, sections 71060–71063 require the Secretary of Cal/EPA to adopt regulations to standardize environmental data reporting electronically.

### Linkage to Concurrent State Regulations

Some of these proposed regulation changes are necessary because of changes in other regulatory titles of the California Code of Regulations linked to the Unified Program. Separate rulemakings for titles 19, 22 and 23 are anticipated to be considered concurrently with this title 27 rulemaking. Related titles and the lead agencies are as follows:

Title 19 addresses the Hazardous Materials Release and Response Plans and the California Accidental Release Prevention program with the Governor's Office of Emergency Services as lead.

Title 22 addresses hazardous waste generators and onsite hazardous waste treatment activities with the Department of Toxic Substances Control as lead.

Title 23 addresses the Underground Storage Tank and Above Ground Petroleum Storage Tank program with the State Water Resources Control Board as lead.

### Policy Statement Overview

**Broad Objective:** The changes implemented in these regulations derive from new or modified statutory requirements, streamlining to remove unused information from reports and aligning the standard data dictionary with current information management standards.

**Specific Objectives:** The Department of Toxic Substances Control is required to collect information regarding cyanide treatment on site and this will be done through the existing standardized reporting forms with some modification.

The State Water Resources Control Board has updated the information collection requirements for underground storage tank permits as a result of enacted

legislation. This information is collected on the existing standardized reporting forms with some modification.

Cal/EPA has modified its information collection from CUPA's to eliminate unused information and to bring the process current with statutory changes made over a number of previous years.

### Proposed Regulations

These regulations are administrative in nature and do not impose any new regulatory requirements. The proposed changes to the data dictionary, summary report forms, and UPCF are needed to achieve the following objectives. These objectives are a result of discussions regarding data management that occurred over the last three years during meetings with CUPA's, state agencies and Cal/EPA.

- Provide the U.S. Environmental Protection Agency with an agreed upon set of information regarding hazardous waste inspections;
- Clarify and improve summary reports 3 and 4;
- Extract summary report data from the data dictionary;
- Update report 6 to address program changes;
- Generally clean up the data dictionary related to:
  - Summary report forms 3, 4; and 6;
  - Business Activities Page, Business Owner/Operator Identification Page and Hazardous Material Inventory Page; and
  - On-site Tiered Permitting Permit by Rule Page.

### California Environmental Quality Act (CEQA) Compliance

Cal/EPA has found this rulemaking project to be exempt under the California Environmental Quality Act. A Notice of Exemption (NOE) is available with the rulemaking file and the NOE will be filed with the State Clearinghouse, Office of Planning and Research, when the regulations are adopted.

### Peer Review

Under the provisions of Health and Safety Code section 57004, peer review is not required because the proposed regulations do not establish a regulatory level, standard or other requirement subject to scientific peer review.

### Business Report

Cal/EPA has determined that this rulemaking will not require businesses to write a new report, as defined by Government Code section 11346.3(c).

### FISCAL IMPACT ESTIMATES

#### Mandates on Local Agencies and School Districts:

Cal/EPA has made a preliminary determination that adoption of these regulations will create no new local mandates.



**Estimate of Potential Cost or Savings to Local Agencies Subject to Reimbursement:** Cal/EPA has made a preliminary determination that adoption of these regulations will not impose a local mandate or result in costs subject to reimbursement pursuant to Government Code part 7, division 4, section 17500 et seq, or other non-discretionary costs to local agencies.

**Cost or Savings to Any State Agency:** Cal/EPA has made a preliminary determination that the proposed regulations will have no net impact on state revenue or costs. The Department of Toxic Substances Control acting as the CUPA in Trinity and Imperial Counties utilizes Envision software with a service maintenance contract that does not incur costs to modify the business reporting system.

**Cost or Savings in Federal Funding to the State:** Cal/EPA has made a preliminary determination that the proposed regulations will have no impact on federal revenue or costs.

**Effect on Housing Costs:** Cal/EPA has made an initial determination that there will be no impact on housing costs.

**Cost Impacts on Representative Private Persons or Businesses:** Cal/EPA has made a preliminary determination that representative private persons or businesses may incur a one-time cost to modify their computer software and hardware to comply with the proposed action; however, it is anticipated that the cost would be minor.

**Significant Statewide Adverse Economic Impact on Businesses:** Cal/EPA has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability to compete with businesses in other states.

**Assessment Statement:**

- (A) Creation or elimination of jobs within California — Cal/EPA has made a preliminary determination that no jobs will be created or eliminated in California as a result of the proposed regulations.
- (B) Creation of new businesses or the elimination of existing businesses within California — Cal/EPA has made a preliminary determination that no businesses will be created or eliminated in California as a result of the proposed regulations.
- (C) Expansion of businesses currently doing business in California — Cal/EPA has made a preliminary determination that some businesses in California could be expanded as a result of the proposed regulations; however, it is anticipated that any expansion would be minor.

**Effect on Small Businesses:** Cal/EPA has determined that provisions of this rulemaking could affect small businesses by the costs associated with modifying their electronic reporting databases. The proposed regulations create no significant impacts and do not impose any prescriptive standards or reporting requirements.

CONSIDERATION OF ALTERNATIVES

Cal/EPA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of Cal/EPA would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF TEXT OF REGULATIONS  
AND STATEMENT OF REASONS

Copies of this Public Notice, the Initial Statement of Reasons, and the text of the proposed regulations are posted to Cal/EPA's Web site at <http://www.calepa.ca.gov/LawsRegs/>. Copies of these documents are also available through the contact person listed below. In addition, the rulemaking record, which contains all information upon which this proposal is based, is available for inspection at the address listed below. Inquiries regarding the proposed regulations may be directed to Ms. Ellajay Joiner of Cal/EPA at (916) 327-9559. Please note, however, that such oral inquiries do not become part of the rulemaking record.

Statements, arguments or contentions regarding the rulemaking or supporting documents must be submitted in writing no later than 5 P.M. on May 7, 2007. Statements may also be presented orally or in writing at the public hearing for them to be considered by Cal/EPA before it adopts, amends, or repeals these regulations. To be included in this regulation package's mailing list, and to receive updates of this rulemaking, please visit and subscribe to the applicable Listserv at <http://www.calepa.ca.gov/Listservs/>.

Please direct all written comments, procedural inquiries and requests for documents by mail, e-mail or fax to:

Ms. Ellajay Joiner, Executive Assistant, Unified Program, Cal/EPA  
 Mailing address: P.O. Box 2815, Sacramento, California 95812  
 E-mail address: [ejoiner@calepa.ca.gov](mailto:ejoiner@calepa.ca.gov)  
 Telephone number: (916) 327-9559  
 Fax number: (916) 322-5615

or

Ms. Loretta Sylve, Staff Environmental Scientist,  
Unified Program, Cal/EPA  
Mailing address: P.O. Box 2815, Sacramento,  
California 95812  
E-mail address: [lsylve@calepa.ca.gov](mailto:lsylve@calepa.ca.gov)  
Telephone number: (916) 327-9558  
Fax number: (916) 322-5615

#### POST-HEARING CHANGES

After the close of the comment period, Cal/EPA may adopt the proposed regulations. If, pursuant to Government Code section 11346.8(c), sufficiently related changes are made, the modified text will be made available for comment for at least 15 days prior to adoption. Only persons who requested notification of modified changes, provided written or oral testimony at the hearing, or submitted written comments on these specific regulations will be sent a copy of the modified text.

Once regulations have been adopted, Cal/EPA will prepare a Final Statement of Reasons, which updates the Initial Statement of Reasons, summarizes how Cal/EPA addressed comments and includes other materials, as required by Government Code section 11346.9. Copies of the Final Statement of Reasons may be obtained from Ms. Joiner at the address listed above. A copy of the Final Statement of Reasons will also be posted on Cal/EPA's Web site listed above, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulations.

### GENERAL PUBLIC INTEREST

#### DEPARTMENT OF FISH AND GAME

Department of Fish and Game —  
Public Interest Notice  
For Publication March 23, 2007  
PROPOSED RESEARCH ON FULLY  
PROTECTED SPECIES  
Spatial Dynamics, Diet, and Effects of Prescribed  
Fire on the San Francisco Gartersnake  
(*Thamnophis sirtalis tetrataenia*) in San Mateo  
County, California

The Department of Fish and Game ("Department") received a proposal on March 12, 2007 from Ms. Melissa Amarello, U.S. Geological Survey, Western Ecological Research Center, Dixon Field Station, Dixon,

California, requesting to conduct field studies on the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), a Fully Protected reptile, for research purposes, consistent with the protection and recovery of the species.

The applicant has applied for the required Scientific Collecting Permit (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species. The proposed activities include using three common survey methods at Cloverdale Ranch in San Mateo County: visual encounter along transects, cover boards, and live traps. Captured snakes will be measured, sexed, palpated for food boli and fecals, and marked either by PIT tags or microbranding. The proposed work is intended to 1) evaluate the relative effectiveness of each survey type and make a recommendation for standardizing San Francisco garter snake surveys, 2) determine which landscape features and environmental variables are important, and 3) determine diet composition. The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicants, as co-Principal Investigators, to carry out the proposed activities. As this snake is also a federally endangered species, the applicant is required to possess a valid Federal Threatened and Endangered Species permit.

Pursuant to California Fish and Game Code (FGC) Section 5050(a)(1), the Department may authorize take of Fully Protected reptiles after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5050 for take of Fully Protected reptiles, it would issue the authorization on or after April 20, 2007, for a term of two years. Contact: Wildlife Programs Branch, 1812 Ninth Street, Sacramento, CA 95814, Attn.: Dale Steele.

### DECISION NOT TO PROCEED

#### BOARD OF BARBERING AND COSMETOLOGY

#### NOTICE OF DECISION NOT TO PROCEED

Pursuant to Government Code Section 11347, the Board of Barbering and Cosmetology hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register, May 26, 2006 (OAL Notice No.

Z-06-0516-06, and OAL File No. 06-1228-03-S). The proposed rulemaking concerned increases to the Schedule of Fees (application, examination and initial license fees).

However, the Board of Barbering and Cosmetology anticipates publishing a new notice on the same rule-making proposal in March or April 2007.

Any interested person with questions concerning this rulemaking should contact Paul Cobb at either (916) 575-7104 or by e-mail at: paul\_cobb@dca.ca.gov

The Board of Barbering and Cosmetology will also publish this Notice of a Decision Not to Proceed on its website.

## AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS

### DEPARTMENT OF INDUSTRIAL RELATIONS

#### NOTICE OF AVAILABILITY OF THE DEPARTMENT OF INDUSTRIAL RELATIONS' INDEX OF SIGNIFICANT LEGAL AND POLICY DETERMINATIONS CONTAINED IN ITS PUBLIC WORKS COVERAGE PRECEDENTIAL DECISIONS

Cal. Code Regs., Title 2 § 619.7  
Gov. Code § 11425.60(c)

**PLEASE TAKE NOTICE** that the Department of Industrial Relations' Index of Significant Legal and Policy Determinations Contained in its Public Works Coverage Precedential Decisions are available for purchase or you may view them at the Division of Labor Statistics & Research home page at: [http://www.dir.ca.gov/DLSR/Statistics\\_research.html](http://www.dir.ca.gov/DLSR/Statistics_research.html)

You may obtain a copy by either calling or writing to:

Maria Y. Robbins, Deputy Chief  
Division of Labor Statistics & Research  
Department of Industrial Relations  
455 Golden Gate Avenue, 8<sup>th</sup> Floor  
San Francisco, CA 94102  
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Fax No.: (415) 703-4771

This notice is being published pursuant to Title 2, California Code of Regulations, section 619.7, and California Government Code section 11425.60(c).

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### BOARD OF EQUALIZATION

##### Food Products

Food products are non-taxable (Cal.Const., art. XIII, section 34). Rev. & Tax. Code, section 6091, provides a presumption that all gross receipts are presumed subject to taxation until the contrary is established. An issue has arisen with respect to food products that are combined with non-food products for sale in combination packages. When California Code of Regulations, title 18, section 1602 was originally adopted, most retailers made their own combination packages and were well aware of the individual value of each component. Now however, retailers purchase combination packages already made and the value of the individual components is not available. The State Board of Equalization is amending section 1602 of title 18 to provide a clear standard for taxing sales of combination packages that include food and nonfood products. This amendment will also eliminate obsolete language concerning "snack foods."

Title 18

California Code of Regulations

AMEND: 1602

Filed 03/08/07

Effective 04/07/07

Agency Contact: Diane G. Olson (916) 322-9569

#### CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY

##### Community Clinic Grant Program of 2005

This regulatory action establishes the criteria for the award of a grant for community health clinics.

Title 4

California Code of Regulations

ADOPT: 7075, 7076, 7077, 7078, 7079, 7080, 7081, 7082, 7083, 7084, 7085, 7086, 7087, 7088, 7089, 7090, 7091, 7092, 7093, 7094, 7095, 7096, 7097, 7098, 7099 REPEAL: 7000, 7001, 7002, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011,

7012, 7013, 7014, 7015, 7016, 7017

Filed 03/13/07

Effective 03/13/07

Agency Contact: Ray Artinian (916) 653-3841

**CALIFORNIA INTEGRATED WASTE  
MANAGEMENT BOARD****Permit Implementation Regulation**

This regulatory action is to implement and make specific the statutory amendments of AB 1497 (Chapter 823 of the Statutes of 2003). This action defines the phrase “significant change in the design or operation of the solid waste facility that is not authorized by the existing permit.” It also establishes a methodology for enforcement agencies to follow when an operator requests to make changes to their solid waste facilities permit, including use of a “modified permit” to authorize non-significant or “minor” modifications, which are also clearly defined in the regulation. This action also implements a new statutorily-required “informational meeting” with additional noticing and hearing requirements for report of facility information amendments and for modified, revised or new permits.

Title 14, 27

California Code of Regulations

ADOPT: 21660.1, 21660.2, 21660.3, 21660.4,  
21666 AMEND: 17388.3, 17388.4, 17388.5, 18077,  
18083, 18104.1, 18104.2, 18104.7, 18105.1,  
18105.2, 18105.9, 21563, 21570, 21580, 21620,  
21650, 21660, 21663, 21665, 21675, 21685  
REPEAL: 17383.10, 17388.6

Filed 03/14/07

Effective 04/13/07

Agency Contact: Robert Holmes (916) 341-6376

**DEPARTMENT OF FOOD AND AGRICULTURE  
Oriental Fruit Fly Interior Quarantine**

This certification of an emergency regulatory action establishes a quarantine area for Oriental fruit fly in the Santa Ana area of Orange County covering approximately 93 square miles.

Title 3

California Code of Regulations

AMEND: 3423(b)

Filed 03/07/07

Effective 03/07/07

Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF INSURANCE****California Low Cost Automobile Insurance Program  
Rates**

In this emergency regulatory action, the Department of Insurance amends regulations under the “California

Low Cost Automobile Insurance Program” of Insurance Code sections 11629.7 through 11629.85 to make the program available to persons residing in the counties of Merced, Monterey, Santa Barbara, Sonoma, Tulare and Ventura, effective March 30, 2007, and to establish the rates for the insurance offered in those counties. The establishment of the insurance rates is exempt from the Administrative Procedure Act (APA) and Office of Administrative Law (OAL) review pursuant to Government Code section 11340.9(g); however, the expansion of the program into these six counties by emergency regulatory action is subject to the APA and OAL review. Insurance Code section 11629.79(c) provides for the adoption of this regulatory action as an emergency.

Title 10

California Code of Regulations

AMEND: 2498.6

Filed 03/09/07

Effective 03/30/07

Agency Contact:

Mary Ann Shulman

(415) 538-4133

**EMPLOYMENT TRAINING PANEL****Frontline Worker**

This rulemaking action revises the definition of “frontline worker” to conform to state and federal labor law and clarifies the authority of the Employment Training Panel to make a case-by-case determination of frontline worker status in accordance with relevant labor law and guidelines. A provision concerning entrepreneurial training is also clarified. Procedures that were formerly utilized by the Employment Training Panel, but which are now outdated, are also repealed.

Title 22

California Code of Regulations

AMEND: 4400(ee) REPEAL: 4407, 4425, 4441.5

Filed 03/12/07

Effective 04/11/07

Agency Contact: Maureen Reilly (916) 327-5422

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN OCTOBER 11, 2006 TO  
MARCH 14, 2007**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.



**Title 2**

03/01/07 AMEND: 21922  
 02/28/07 AMEND: 714  
 02/16/07 AMEND: 1859.2, 1859.76, 1859.83,  
 1859.163.1, 1859.167, 1859.202, 1866  
 02/02/07 AMEND: 2561, 2563, 2564, 2565, 2566,  
 2567  
 01/26/07 ADOPT: 599.550, 599.552, 599.553,  
 599.554 AMEND: 599.500  
 01/19/07 ADOPT: 18531.62, 18531.63, 18531.64  
 AMEND: 18544  
 01/11/07 AMEND: 1894.4, 1896.12  
 01/09/07 ADOPT: 18530.3  
 01/09/07 ADOPT: 18534  
 01/09/07 AMEND: 18707.1  
 01/08/07 ADOPT: 1859.106.1 AMEND: 1859.106  
 12/22/06 AMEND: 21906  
 12/18/06 ADOPT: 18421.3  
 12/18/06 AMEND: 18312, 18316.5, 18326,  
 18401, 18521, 18537.1, 18704.5,  
 18705.5, 18730, 18746.2  
 12/18/06 AMEND: 1859.2, 1859.70.1, 1859.71.3,  
 1859.78.5  
 12/18/06 AMEND: 18545  
 12/18/06 AMEND: 18703.4, 18730, 18940.2,  
 18942.1, 18943  
 12/14/06 ADOPT: 18707.10  
 12/13/06 ADOPT: 20108, 20108.1, 20108.12,  
 20108.15, 20108.18, 20108.20,  
 20108.25, 20108.30, 20108.35,  
 20108.36, 20108.37, 20108.38,  
 20108.40, 20108.45, 20108.50,  
 20108.51, 20108.55, 20108.60,  
 20108.65, 20108.70, 20108.75, 20108.80  
 11/06/06 AMEND: 18216, 18421.1  
 11/03/06 AMEND: 1859.73.2  
 10/31/06 AMEND: 559.500, 559.501, 559.503,  
 559.504, 559.505, 559.507, 559.508,  
 559.509, 559.510, 559.511, 559.512,  
 559.513, 559.515, 559.516, 559.517  
 10/12/06 AMEND: 714

**Title 3**

03/07/07 AMEND: 3423(b)  
 03/06/07 AMEND: 3700(c)  
 02/15/07 ADOPT: 499.5, 513, 513.5 AMEND:  
 498, 499, 500, 501, 502, 504, 505, 509,  
 510, 511, 512, 512.1, 512.2, 514, 515,  
 516, 517, 525, 551, 552, 553, 554, 604.1  
 REPEAL: 499.5, 503, 506, 508, 512.3,  
 527, 536, 537, 538, 539, 540, 541, 543,  
 544, 546, 547, 550

02/14/07 AMEND: 3700(c)  
 02/08/07 AMEND: 3433(b)  
 02/08/07 AMEND: 6170, 6172, 6200  
 02/07/07 AMEND: 6170, 6172, 6200  
 01/31/07 AMEND: 3591.12(a)  
 01/24/07 AMEND: 3591.13(a)  
 01/18/07 AMEND: 3423(b)  
 01/18/07 AMEND: 3433(b)  
 01/18/07 AMEND: 3800.1, 3800.2  
 01/18/07 AMEND: 3433(b)  
 01/09/07 AMEND: 3433(b)  
 01/08/07 AMEND: 3591.2(a)  
 01/08/07 AMEND: 3591.6(a)  
 01/05/07 AMEND: 3433(b)  
 01/05/07 AMEND: 3406(b)  
 01/05/07 AMEND: 6625  
 01/03/07 AMEND: 3424(b)  
 12/20/06 AMEND: 3423(b)  
 12/20/06 AMEND: 3433(b)  
 12/19/06 ADOPT: 6310, 6312, 6314 AMEND:  
 6170  
 12/06/06 AMEND: 3591.6  
 12/06/06 AMEND: 3700(c)  
 11/30/06 ADOPT: 6128 AMEND: 6130  
 11/16/06 AMEND: 3433(b)  
 11/13/06 AMEND: 3423(b)  
 11/08/06 AMEND: 3591.2(a)  
 10/27/06 ADOPT: 765 AMEND: 760.4, Article  
 3.5  
 10/19/06 AMEND: 3591.6(a)  
 10/12/06 ADOPT: 3424  
 10/12/06 AMEND: 3433(b)  
 10/12/06 AMEND: 3433(b)

**Title 4**

03/13/07 ADOPT: 7075, 7076, 7077, 7078, 7079,  
 7080, 7081.7082, 7083, 7084, 7085,  
 7086, 7087, 7088, 7089, 7090, 7091,  
 7092, 7093, 7094, 7095, 7096, 7097,  
 7098, 7099 REPEAL: 7000, 7001, 7002,  
 7003, 7004, 7005, 7006, 7007, 7008,  
 7009, 7010, 7011, 7012, 7013, 7014,  
 7015, 7016, 7017  
 02/08/07 ADOPT: 12341  
 02/08/07 ADOPT: 12550, 12552, 12554, 12556,  
 12558, 12560, 12562, 12564, 12566,  
 12568, 12572  
 01/31/07 AMEND: 12590  
 01/30/07 AMEND: 12101, 12301.1, 12309  
 01/30/07 ADOPT: 12460, 12461, 12462, 12463,  
 12464, 12466  
 01/30/07 AMEND: 12358  
 01/26/07 AMEND: 1433  
 01/17/07 ADOPT: 523

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01/11/07	AMEND: 1536	11/02/06	AMEND: 3650
12/05/06	AMEND: 1582	10/18/06	AMEND: 9768.5, 9768.10, 9788.11, 9788.31, 9789.33
11/22/06	AMEND: 1544 & 1658		
11/16/06	ADOPT: 2422.1	<b>Title 9</b>	
11/03/06	AMEND: 10152, 10153, 10155, 10159, 10160, 10161, 10162	12/29/06	ADOPT: 3100 3200.010, 3200.020, 3200.030, 3200.040 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.080, 3200.090, 3200.150, 3200.160, 3200.170, 3200.180, 3200.190, 3200.210, 3200.220, 3200.230, 3200.240, 3200.250, 3200.260, 3200.270, 3200.280, 3200.300, 3200.310, 3300, 3310, 3315, 3320, 3350, 3360, 3400, 3405, 3410, 3415, 3500, 3505, 3510, 3520, 3530, 3530.10, 3530.20, 3530.30, 3530.40, 3540, 3610, 3615, 3620, 3620.05, 3620.10, 3630, 3640, 3650 REPEAL: 3100 3200.010, 3200.020, 3200.030, 3200.040 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.080, 3200.090, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415
10/24/06	AMEND: 1486		
10/16/06	AMEND: 1733	11/21/06	AMEND: 9100
<b>Title 5</b>		<b>Title 10</b>	
03/01/07	AMEND: 19816, 19851, 19852, 19853	03/09/07	AMEND: 2498.6
02/28/07	AMEND: 80028, 80487	03/06/07	AMEND: 260.230, 260.231, 260.236.1, 260.241.4, 260.242 REPEAL: 260.231.2, 260.236.2
02/16/07	ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7	01/23/07	ADOPT: 2183, 2183.1, 2183.2, 2183.3, 2183.4 REPEAL: 2691.18, 2691.19
02/08/07	ADOPT: 1000, 1000.1, 1000.2, 1000.3, 1000.4, 1000.5, 1000.6, 1000.7	01/10/07	AMEND: 3528
01/17/07	ADOPT: 58707 AMEND: 58704, 58770, 58771, 58773, 58774, 58776, 58777, 58779 REPEAL: 58706, 58775	01/08/07	AMEND: 2698.52(c), 2698.53(b), 2698.56(c)
01/17/07	ADOPT: 55151, 55151.5 AMEND: 55002, 55150, 58160	01/03/07	ADOPT: 2642.4, 2643.8, 2644.24, 2644.25, 2644.26, 2644.27, 2644.50, AMEND: 2642.5, 2642.6, 2642.7, 2643.6, 2644.2, 2644.3, 2644.4, 2644.5, 2644.6, 2644.7, 2644.8, 2644.10, 2644.12, 2644.15, 2644.16, 2644.17, 2644.18, 2644.19, 2644.20, 2644.21, 2644.23, 2646.3, 2646.4, 2648.4 REPEAL: 2642.4, 2643.2, 2644.9, 2644.11
01/10/07	AMEND: 55806	12/29/06	ADOPT: 5327, 5357.1, 5358, 5358.1 AMEND: 5350, 5352
11/13/06	AMEND: 18013, 18054	12/29/06	AMEND: 2696.1, 2696.2, 2696.3, 2696.5, 2696.6, 2696.7, 2696.9, 2696.10 REPEAL: 2696.4, 2696.8
11/08/06	AMEND: 850, 851, 852, 853, 854, 855, 857, 858, 859, 861, 862, 863, 864, 864.5, 865, 866, 867, 870 REPEAL: 850.5, 880, 881, 882, 883, 884, 886, 887, 888, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 901		
10/26/06	AMEND: 30023(c)		
10/23/06	ADOPT: 11991, 11991.1, 11991.2		
10/16/06	ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7		
<b>Title 8</b>			
03/06/07	AMEND: 1529, 1532, 1532.1, 1535, 5144, 5190, 5198, 5200, 5202, 5207, 5208, 5210, 5211, 5213, 5214, 5217, 5218, 5220, 8358		
03/02/07	ADOPT: 1731 AMEND: 1730		
03/01/07	AMEND: 1541		
02/28/07	AMEND: 9789.40		
02/21/07	AMEND: 9780, 9783		
02/15/07	AMEND: 9789.11		
12/29/06	AMEND: 1598, 1599		
12/27/06	AMEND: 3385		
12/21/06	AMEND: 5031		
12/15/06	AMEND: 5006.1		
11/14/06	AMEND: 3482, 5161, 5178		
11/14/06	AMEND: 6368		
11/08/06	AMEND: 17000 Appendix		

12/29/06 AMEND: 2222.10, 2222.11, 2222.12,  
2222.14, 2222.15, 2222.16, 2222.17,  
2222.19 REPEAL: 2222.13

12/29/06 AMEND: 2052.1, 2052.4

12/29/06 AMEND: 2651.1, 2661.1, 2661.3,  
2662.1, 2662.3, 2662.5

12/29/06 AMEND: 2632.5(c)

12/27/06 AMEND: 2498.6

12/26/06 ADOPT: 2698.80, 2698.81, 2698.82,  
2698.83, 2698.84, 2698.85, 2698.86,  
2698.87, 2698.88, 2698.89, 2698.89.1  
AMEND: 2698.80, 2698.81, 2698.82,  
2698.83, 2698.84, 2698.85, 2698.86

12/22/06 ADOPT: 2548.1, 2548.2, 2548.3, 2548.4,  
2548.5, 2548.6, 2548.7, 2548.8

12/20/06 ADOPT: 2614, 2614.1, 2614.2, 2614.3,  
2614.4, 2614.5, 2614.6, 2614.7, 2614.8,  
2614.9, 2614.10, 2614.11, 2614.12,  
2614.13, 2614.14, 2614.15, 2614.16,  
2614.17, 2614.18, 2614.19, 2614.20,  
2614.21, 2614.22, 2614.23, 2614.24,  
2614.25, 2614.26, 2614.27

12/19/06 AMEND: 2690.90, 2690.91, 2690.92,  
2690.93, 2690.94

12/13/06 ADOPT: 2534.40, 2534.41, 2534.42,  
2534.43, 2534.44, 2534.45, 2534.46

11/15/06 AMEND: 2697.6, 2697.61

11/09/06 AMEND: 2534.27, 2534.28

11/09/06 AMEND: 2498.5

10/24/06 ADOPT: 2303, 2303.1, 2303.2, 2303.3,  
2303.4, 2303.5, 2303.6, 2303.7, 2303.8,  
2303.9, 2303.10, 2303.11, 2303.12,  
2303.13, 2303.14, 2303.15, 2303.16,  
2303.17, 2303.18, 2303.19, 2303.20,  
2303.21, 2303.22, 2303.23, 2303.24,  
2303.25

10/16/06 ADOPT: 2194.9, 2194.10, 2194.11,  
2194.12, 2194.13, 2194.14, 2194.15,  
2194.16, 2194.17

**Title 11**

03/06/07 AMEND: 1070, 1082

02/02/07 ADOPT: 9070, 9071, 9072, 9073, 9076,  
9077, 9078 AMEND: 1005, 1018, 1055,  
REPEAL: 1011

02/02/07 ADOPT: 999.40

01/30/07 AMEND: 20

01/25/07 AMEND: 30.5

01/25/07 AMEND: 30.1

01/19/07 AMEND: 1005, 1007, 1080

12/21/06 AMEND: 48.6

12/21/06 AMEND: 1070, 1081, 1082

12/21/06 ADOPT: 80.3

10/13/06 AMEND: 30.5

10/13/06 AMEND: 30.1

**Title 13**

02/09/07 AMEND: 2702, 2703, 2704, 2706, 2707,  
2709

01/18/07 AMEND: 1961, 1976, 1978

01/16/07 ADOPT: 2189 AMEND: 2180, 2180.1,  
2181, 2182, 2183, 2185, 2186, 2187,  
2188

12/27/06 ADOPT: 1300 REPEAL: 1300, 1301,  
1302, 1303, 1304, 1304.1, 1305, 1310,  
1311, 1312, 1313, 1314, 1315, 1320,  
1321, 1322, 1323, 1324, 1325, 1330,  
1331, 1332, 1333, 1334, 1335, 1336,  
1337, 1338, 1339, 1339.1, 1339.2,  
1339.3, 1339.4, 1339.5, 1339.6, 1340,  
1341, 1342, 1343, 1344, 1350, 1351,  
1352, 1353, 1354, 1355, 1356, 1360,  
1361, 1362, 1363, 1364, 1365, 1366,  
1370, 1371, 1372, 1373, 1374, 1375,  
1400, 1401, 1402, 1403, 1404, 1405,  
1406, 1410, 1411, 1412, 1413, 1414,  
1415, 1416, 1417, 1418, 1420, 1421,  
1422, 1423, 1424, 1425

12/13/06 AMEND: 553.70

12/06/06 ADOPT: 2022, 2022.1

12/01/06 ADOPT: 2479

11/13/06 AMEND: 2445.2(a)

11/13/06 AMEND: 2111, 2112, 2441, 2442,  
2444.2, 2445.1, 2445.2, 2446

10/30/06 ADOPT: 118.00

10/27/06 AMEND: 423.00

10/16/06 AMEND: 1956.8, 2404, 2424, 2425,  
2485

**Title 13, 17**

12/27/06 ADOPT: 93116.3.1 AMEND: 2452,  
2456, 2461, 93115, 93116.2, 93116.3

12/06/06 ADOPT: 2299.1, 93118

**Title 14**

03/01/07 AMEND: 10121, 11900(a)(5)

02/28/07 ADOPT: 5.81, 27.91 AMEND: 1.62,  
1.63, 1.67, 2.00, 5.00, 5.80, 7.00, 7.50,  
8.00, 27.60, 27.65, 27.90, 27.95, 28.20,  
29.70, 29.80, 29.85, 195, 701

02/23/07 AMEND: 671.5

02/16/07 AMEND: 10214, 10381, 10500, 10620,  
11002, 11003, 11005

02/13/07 AMEND: 53.03, 149, 149.1

02/08/07 AMEND: 880

02/05/07 ADOPT: 2990, 2995, 2997 AMEND:  
2125, 2518

01/18/07	ADOPT: 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.48, 28.49, 28.51, 28.52, 28.53, 28.57 AMEND: 1.91, 27.60, 27.65, 27.83 (amend and renumber to 27.51), 28.26, 28.27, 28.28, 28.29, 28.54, 28.55, 28.56, 28.58, 28.90, 701 REPEAL: 27.67, 27.82	18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.33, 18660.34, 18660.35, 18660.36, 18660.37, 18660.38, 18660.39, 18660.41, 18660.42, 18660.43
12/28/06	ADOPT: 25231	11/22/06 AMEND: 939.15, 959.15
12/26/06	AMEND: 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1712, 1714, 1720, 1721, 1721.2, 1721.3, 1721.3.1, 1721.4, 1721.5, 1721.6, 1721.7, 1721.8, 1721.9, 1722, 1722.1.1, 1722.3, 1722.4, 1722.5, 1722.7, 1723, 1723.5, 1723.7, 1723.8, 1723.9, 1724 1724.1, 1724.3, 1724.4, 1724.6, 1724.8, 1724.9, 1724.10, 1740.1, 1740.3, 1740.5, 1741, 1742, 1743, 1744, 1744.2, 1744.3, 1744.4, 1744.5, 1744.6, 1745, 1745.8, 1745.10, 1746.2, 1747, 1747.1, 1747.2, 1747.3, 1747.5, 1747.7, 1747.8, 1747.10, 1748.2, 1748.3, 1760, 1771, 1774, 1776, 1778, 1779, 1821, 1830, 1831, 1832, 1850, 1854, 1855, 1856, 1857, 1858, 1863, 1865, 1881, 1881.5, 1882, 1914, 1920.1, 1920.2, 1920.3, 1931, 1931.1, 1931.2, 1931.5, 1932, 1933.1, 1933.2, 1933.3, 1935.1, 1935.2, 1936, 1937.1, 1941, 1942, 1942.1, 1942.2, 1950.1, 1954, 1960, 1961, 1962, 1963, 1966, 1971, 1981, 1981.2, 1995.1, 1996.8, 1997.1, 1997.2, 1997.3, 1997.4, 1997.5, 1998.2	11/16/06 AMEND: 916.5(e), 936.5(e), 956.5(e), 916.9, 936.9, 956.9
		11/14/06 AMEND: 5101, 5104
		11/07/06 AMEND: 11900
		11/02/06 AMEND: 183
		10/19/06 AMEND: 632(b)(72)
		10/11/06 AMEND: 895, 895.1, 1038, 1038(f)
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11/03/06	AMEND: 3375.2, 3377.1	
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 11/06/06 AMEND: 1000600, 100601, 100602,  
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